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DOL/ILAB FOR TINA FAULKNER, DRL/IL FOR MARINDA HARPOLE

E.O. 12958: N/A

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SUBJECT: GHANA: UPDATE OF CHILD LABOR INFORMATION FOR  
MANDATORY REPORTING REQUIREMENTS

REF: SECSTATE 163453

1. This cable responds to the action in reftel to provide information on child labor for mandatory DOL reporting requirements. The information is presented in question/answer format based on the questions asked in reftel.

2. Post's responses are as follows:

a) Does the country have adequate laws and regulations proscribing the worst forms of child labor?

Ghana ratified ILO Convention 182 on June 13, 2000, and passed the Children's Act in 1998. The Children's Act establishes a minimum age for employment and prohibitions on night work and hazardous labor and provides for fines and imprisonment for violators. In addition, the legislation allows for children aged 15 years and above to have an apprenticeship whereby the craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. However, child labor laws are not enforced effectively or consistently, and law enforcement officials - including judges, police, and labor officials - often are unfamiliar with the provisions of the law protecting children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations, and District labor officers and the Social Services sub-committees of District Assemblies are charged with seeing that the relevant provisions of the law are observed. They visit each workplace annually and make spot checks whenever they receive allegations of violations. All law enforcement and judicial authorities in the country are hampered by severe resource constraints and a lack of public awareness about the problem. The 1998 Children's Act defines hazardous work as including: going to sea, mining and quarrying, portage of heavy loads, manufacturing industries where chemicals are produced or used, and work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behavior.

b) Does the country have adequate laws and regulations for the implementation and enforcement of proscriptions against the worst forms of child labor? Have there been any recent governmental or judicial initiatives to strengthen or enforce child labor legislation and regulations?

Existing laws do not provide for protection and rehabilitation of the victim in child labor and child trafficking cases, and do not specifically define 'trafficking' as a crime. Child trafficking intersects with the problem of child labor at several junctions in Ghana. Against this background, several government ministries, NGOs, and others formed a National Task Force on Human Trafficking in 2002. The chief aim of this task force was to draft a human trafficking bill that would specifically define trafficking as a crime and also to provide protection and rehabilitation for victims of trafficking. The final draft of the legislation has been approved, and the bill is likely to be considered by Parliament in early 2005.

Although there are laws addressing child labor, the Ghanaian judicial system labors under an enormous backlog of cases, corrupt lower officials, unenforced judgments and general lack of faith on the part of Ghanaian citizens. Judicial officials have inadequate resources: no law clerks, few published decisions in a common law country, no law library outside the capital, and very few court reporters are available to take notes during trials (most judges take their own notes by hand). Enforcement of judgments is a problem; therefore, litigants usually do not have much motivation to use the courts. Court files can be lost and found and court cases can be scheduled and delayed by bribing court clerks. Yet, in spite of the obstacles, there are identified energetic reformers within the system who are working to bring about changes.

c) Has the country established formal institutional mechanisms to investigate and address complaints relating to the worst forms of child labor?

When Ministry of Manpower Development and Employment

inspectors find infractions of child labor laws during their routine monitoring of companies' labor practices, they generally inform the employers about the provisions of the law and asked them to make changes. In 2003, there was no record of any prosecutions for child labor resulting from these inspections. Officials only occasionally punish violators of regulations that prohibit heavy labor and night work for children. In addition, the inspectors' efforts have generally concentrated only in the formal sector, which is not where most child labor is performed. According to government officials, child labor is more of a problem in the informal sector, which is more difficult to regulate.

d) What social programs have been implemented to prevent the engagement of children in the worst forms of child labor and to assist in removing children engaged in the worst forms of child labor?

Within the limits of its resources, the Government is committed to protecting the rights and welfare of children. The Government spent 5 percent of GDP on education, approximately 64 percent of which went toward basic education in 2002. Education is compulsory through primary and junior secondary school (the equivalent of grades 1 through 9); however, education is not free. In practice, schools have imposed fees of up to \$50 (400,000 cedis) per term, despite government regulations that these fees should not be more than \$10 (80,000 cedis). Parents are required to purchase uniforms and books, as well as extra items listed in schools' prospectuses. In addition, teachers have imposed extra classes for an additional fee to supplement their incomes. In 2002, the Minister of Education directed all fees above \$10 (80,000 cedis) to be refunded and required bills of secondary schools to be vetted by District Directors of Education before being sent to parents.

Some children are unable to attend school because they need to work to supplement their family's income, they have to travel long distances to reach the school, or there is a lack of teachers, especially in more rural areas. In addition, authorities do not regularly enforce children's attendance at school, and parents are rarely, if ever, sanctioned for keeping their children out of school.

Females frequently drop out of school due to societal or economic pressures, and there is a significant gap in enrollment rates between males and females. According to UNICEF, 80 percent of eligible children (84 percent of males enrolled compared with 77 percent of females) were enrolled in primary school in 2001-02. Primary school enrollment figures were significantly lower in the rural northern areas; in the Northern Region, 65 percent of eligible children (75 percent of males and 55 percent of females) were enrolled in primary school in 2001-02.

According to Ministry of Education (MOE) data for 2001-02, 55 percent of males and 45 percent of females in the 12- to 14-year age range were enrolled in junior secondary school. The 2001-02 advancement rate from junior secondary to senior secondary school was 47 percent. Enrollment of women at the university level in 2002 was less than half that of men. The Government has taken some concrete steps to support education, including support of "informal" schools (NGO-sponsored schools that were not regulated by the Government and provide nontraditional education), and has increased emphasis on assuring that students progressed from one school grade to another. The Government actively campaigns for girls' education, and the Minister of State for Primary, Secondary, and Girl-Child Education is responsible for addressing gender-related issues in education. The Ghana Education Service (GES) prepared a Five Year Action Plan for Girls' Education in Ghana 2003-2008 and offers the following programs during the year: "Science and Technology and Mathematics Education" clinics nationwide; scholarships for girls at the Junior Secondary School and Senior Secondary School levels; and incentives for female teachers to teach in rural areas and sensitize students, parents, and community members on girls' education. In addition, the GES has placed Girls Education Officers at the regional and district levels.

e) Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor?

ILO/IPEC, government representatives, the Trades Union Congress, the media, international organizations, and NGOs continue to build upon the 2001-02 "National Plan of Action for the Elimination of Child Labor in Ghana," by increasing institutional capacity to combat child labor. Education and sensitization workshops are conducted with police, labor inspectors, local governments, and communities.

In 2004, ILO (in cooperation with the Ministry of Manpower, Development, and Employment) hosted a series of workshops to launch the new Timebound program, which requires Ghana to

demonstrate progress on eliminating the worst forms of child labor within a specified amount of time. These workshops enjoyed support from several government ministries as well as NGOs and international organizations.

f) Is the country making continual progress toward eliminating the worst forms of child labor?

Child labor, especially in the informal sector, remains a problem in Ghana. The government is sorely underresourced to fight the problem, and faces many limitations in its ability to fight and prosecute the problem under existing laws. The government and NGOs in Ghana face the additional challenge of sensitizing communities to the problem at a very fundamental level. While many people say they want the problems of child labor and child trafficking eradicated, there is still wide cultural acceptance of these practices. Poverty is frequently and accurately cited as the main reason for the problems, but NGO leaders close to the issues also cite others ) the low status of children in a very hierarchical society, lack of family planning, and polygamy. But the government and NGOs are making progress, as growing numbers of traditional leaders, parents, and laborers seem to understand that these are practices they should not engage in.

In particular reference to child trafficking, a fundamental problem is the lack of an anti-trafficking law, which has been in progress for well over two years in Ghana. A draft bill is currently sitting at the Attorney General,s office, waiting for the Ministry of Women,s and Children,s Affairs (MOWAC, the ministry with the mandate to submit the bill) to put it before Parliament. Citing bad timing on the parliamentary calendar (not to mention presidential and parliamentary elections later this year), several government sources say the bill is likely to be tabled until 2005. Some government officials cite the normal and lengthy process as the reason for the delay. NGO leaders involved in the National Task Force to create the bill, however, point to a dispute between ministries over ownership of the bill.

13. End text.  
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